



Docket No.: 217656US3TTC CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/020,910
Applicants: Shigeo NAKAGAKI, et al.
2nd RCE Filed: February 18, 2004
For: ELEVATOR WITH DRIVE UNIT
SUPPORTED BY GUIDE RAIL
Group Art Unit: 3654
Examiner: MATECKI, K. A.

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SIR:

Attached hereto for filing are the following papers:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Our check in the amount of \$0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
Shigeo NAKAGAKI, et al. : EXAMINER: MATECKI, K. A.
SERIAL NO: 10/020,910 :
2nd RCE FILED: February 18, 2004 : GROUP ART UNIT: 3654
FOR: ELEVATOR WITH DRIVE :
UNIT SUPPORTED BY
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REPLY BRIEF UNDER 37 C.F.R. § 41.41

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SIR:

This is a Reply to the Examiner's Answer mailed January 30, 2006. An Appeal Brief was timely filed on August 1, 2005.

REPLY TO EXAMINER'S ANSWER

Pages 4-6 of the Examiner's Reply sets forth a response to the arguments presented in the Appeal Brief.

The Appellants submit that reversible error has been committed by concluding that the claimed invention is obvious over the cited prior art, since there is simply no motivation to make this combination.

The Appellants note that the Examiner on page 4, lines 2-16, of the Examiner's Answer points out that Aulanko et al. is being submitted for the teaching of an elevator system having a drive unit mounted on the guide rail, and that Figure 2 and Ericson et al. are merely being cited for ways to mount the guide rail. However, the question remains, why would one of ordinary skill in the art look to two references (namely, the Figure 2 and Ericson et al.) that deal with the mounting of a guide rail that does not support significant vertical loads, when considering the mounting of a guide rail with a drive unit mounted therein? The Examiner's Answer appears to suggest that such a combination is warranted, since the Examiner considers the technology involved as "simpler mechanical technologies." (See page 4, line 16, page 5, lines 8 and 16, of the Examiner's Answer.) However, it is well settled that simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 397 F.2d 1011, 154 USPQ 173 (CCPA 1967).

The Appellants respectfully submit that elevator systems in which a drive unit for the elevator is mounted to a structure other than the guide rail is significantly different than a configuration in which a drive unit is mounted to the guide rail. These two different configurations provide drastically different force/weight issues for the components of the systems, as discussed in detail in the Appeal Brief. One of ordinary skill in the art would not have looked to a system in which the drive unit is not mounted on the guide rail, when trying to determine how to mount a guide rail having a drive unit mounted thereon.

The Examiner's Answer appears to suggest that the lack of a teaching of the mounting of the guide rail in Aulanko et al. is proof that the mounting of the present invention is old and well known in the art. (See page 5, lines 20-24.) Such a conclusion is clearly

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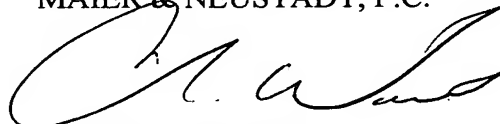
unwarranted, and contrary to the criteria for the establishment of a *prima facie* case of obviousness as set forth in MPEP 2143. (See MPEP 2143.01 sections I. III. and IV.)

Aulanko et al. fails to appreciate the need for increased strength or support for a guide rail upon which a drive unit is mounted, and thus does not teach one of skill in the art a need for a specialized mounting for the guide rail as is recited in the present application.

For the reasons stated above and in the Appeal Brief filed on August 1, 2005, the Appellants maintain their position that the prior art does not render obvious the invention recited in Claims 1-3 and 26. Accordingly, it is respectfully requested that the rejection still pending in the final Office Action be REVERSED.

Respectfully Submitted,

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